

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

Crl. Misc. No.M-5076 of 2012

Date of Decision: 23.02.2015

Daljit Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Mansur Ali, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent-State.

Mr. S.S. Toor, Advocate
for respondent No.2.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C for quashing of criminal complaint No.43/1 of 2003 dated 12.06.1990 under Sections 465, 467, 468, 470, 471, 474, 148, 149 and 120-B IPC and summoning order dated 14.03.1991 passed by Judicial Magistrate Ist Class, Nawanshahr. Along with said prayer, the petitioner has also challenged the P.O order dated 29.10.1992 (Annexure P-9).

Learned counsel for the petitioner submits that co-accused of the petitioner has been acquitted of the charge vide judgment dated 15.06.2010. He further submits that the petitioner is settled in *Germany* since 1978 and came back to India in the year 1988. Learned counsel further submits that without effecting any service upon the petitioner, the P.O proceedings have been initiated against him and ultimately, he has

been declared as a proclaimed offender without following mandatory provisions of Cr.P.C. Learned counsel also submits that non-bailable warrants were issued against the petitioner but nowhere, it has come that he was ever served. The evidence and allegations against the present petitioner are same, upon which, his co-accused has been acquitted of the charge.

Learned counsel for respondent No.2-complainant submits that the acquittal was on the basis of some documents, which were not genuine and it cannot be said that a compromise or acquittal was on merits.

Without commenting anything on the merits of the case but by considering this fact that the petitioner was away to India and no service was effected upon him; the P.O proceedings have been initiated at his back and ultimately, he was declared as a proclaimed offender and is ready to surrender before the trial Court, the present petition is disposed of with a direction that in case, the petitioner surrenders before the trial Court within a period of two months from today, he shall be released on interim bail on his furnishing bail/surety bonds to its satisfaction.

However, in case, the petitioner surrenders before the trial court within a period of two months from today, the trial Court is directed to conclude the trial within a period of three months, thereafter.

Meanwhile, the P.O proceedings be kept in abeyance.

23.02.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE